IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.R. No.4533 of 2007
Date of Decision:07.09.2007

Bhai Amar Singh

.....Petitioner

Vs.

Mukhtiar Singh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. N.S.Dandiwal, Advocate for the petitioner.

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The prayer made in the revision petition is for setting aside order dated 24.8.2007 passed by Civil Judge (Senior Division), Moga whereby the evidence of the defendant was closed. Three opportunities for leading the evidence had already been granted to the petitioner/ defendant.

Learned counsel for the petitioner submitted that the case pertains to recovery of a sum of Rs.2,58,400/- on the basis of forged pronote and due to unavoidable circumstances, he submitted that only three effective opportunities were there with him for leading the evidence and on the last date, the petitioner who is a old man and was not keeping good health could not complete his entire evidence and prays that in case one opportunity is granted, he shall complete his entire evidence on the date fixed.

For the view I am taking, I do not deem it appropriate to issue notice to the respondents as the same would unnecessarily delay the disposal of the present petition and also the trial of the suit in the Court below. Though the petitioner/ defendant has already been granted three opportunities for leading his evidence yet he could not complete his entire evidence. However, keeping in view the facts and circumstances of the case and interest of justice, I deem it appropriate to grant further one opportunity to the petitioner- defendant to complete his entire evidence on a date to be fixed by the trial court for the purpose. The same shall be subject to payment of Rs. 1,500/- as costs to the respondent- plaintiff. It is, however, made clear that in case of failure, no further opportunity shall be granted to

the petitioner- defendant. The petitioner will be at liberty to seek assistance of the Court for summoning of the witness(s).

The revision petition is disposed of in the above terms.

September 07, 2007 **(RAJESH BINDAL)**
renu **JUDGE**